

CITY OF DANBURY

155 DEER HILL AVENUE DANBURY, CONNECTICUT 06810

PLANNING COMMISSION (203) 797-4525 (203) 797-4586 (FAX)

MINUTES MARCH 21, 2012

The regular meeting was called to order by Chairman Arnold Finaldi Jr. at 7:

Present were Fil Cerminara (arrived late), Helen Hoffstaetter, Kenneth Keller, Joel Urice, Arnold Finaldi Jr. and Alternate Michael Ferguson. Also present was Associate Planner Jennifer Emminger.

Mr. Keller made a motion to accept the December 7, 2011, January 4, 2012 & January 18, 2012 minutes. Mr. Urice seconded the motion and it was passed unanimously.

PUBLIC HEARING

7:30 PM -- <u>36 Kenosia Avenue Realty LLC - Application for Special Exception (to allow Wholesale Distribution in an Existing Tenant Space) in the IL-40 Zone - 36 Kenosia Ave. (#E17094) - SE #723.</u>

Chairman Finaldi asked Mr. Ferguson to take Mr. Cerminara's place on this matter. Mr. Cerminara arrived during the hearing, but Mr. Ferguson remained seated for him.

Mr. Keller read the legal notice. Mark Kornhaas, Artel Engineering, said this really is a simple change of use. The applicant wants to change 17,500 sq.ft. (units one and two) from a gymnastics training school to wholesale distribution. He said 5,000 sq.ft. will be the showroom. All of the sales will be wholesale; there will be no retail sales. He added that the applicants are aware that the IL-40 zone does not allow retail sales. He said the Regulations require 44 parking spaces and there are 47 spaces shown on the site plan. He said trip generation is not an issue but the proposed use combined with existing uses will generate 291 trips per day. Mr. Kornhaas said they have one box truck and two pick-ups which are used to shuttle materials between the main warehouse and this location. The pick-ups are the primary delivery vehicles used for maybe 5-6 trips per day. They get tractor trailer deliveries maybe once a month. Mr. Keller asked if they have a dumpster. Mr. Kornhaas pointed out the location on the site plan and said they really don't generate a lot of waste. He added that the pick-up trucks are taken home at night and they hope to store the box truck within the building.

Mrs. Emminger said she had asked Mr. Kornhaas to provide a statement that this business is a registered wholesaler in the State of CT. Mr. Urice asked if wholesale only means they cannot sell tools or anything. Mrs. Emminger said since the "Restore" episode, the Dept. is

being very careful to make sure that wholesale means wholesale only. Especially because there is no retail allowed in the IL-40 zone.

Chairman Finaldi asked if there was anyone to speak in opposition and

Mr. Urice made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to Old Business. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

CONTINUATION OF PUBLIC HEARING

<u>Ridgewood Country Club Inc. -- Application for Special Exception for Existing Country Club w/Golf Course in the RA-40 Zone - 119-135 Franklin Street Ext. (#G13029) -- SE #722.</u>

Benjamin Doto PE spoke in favor of this application. He said the Environmental Impact Commission approved this at their March 14th meeting. He said they also had received comments from the Engineering Dept. but they were nothing that would impact the site plan. Mostly they want more details as to the location of the sewer and water. He said the sprinkler service has not yet been designed; it is usually not done until construction starts. He said they also want clarification on the roof drains as they are not shown on the architectural plans because the design keeps changing.

Mr. Urice asked about if the sprinklers are subject to Fire Marshal approval. Mrs. Emminger said that is an issue that comes up during the permit process. Engineering just wants to be sure that there is adequate fire flow to handle the sprinkler system. Mr. Doto then said the water and sewer permits are issued by the Engineering Dept. so they get the final say as to whether the system is adequate. Mr. Cerminara asked if the building is sprinklered now. Mr. Doto said portions of it are. Mr. Urice asked about the roof drains. Mrs. Emminger said that only will change the utilities plan, not the main site plan. Mr. Doto said they also may have to add a grease drain; they are not certain because the kitchen is not fully designed yet.

Chairman Finaldi asked if there was anyone to speak in opposition and there was no one.

Mr. Urice made a motion to close the public hearing. Mr. Cerminara seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to Old Business. Mr. Cerminara seconded the motion and it was passed unanimously.

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

<u>Winter Brothers Transfer Stations of CT (WBTSCT) -- Application for Special Exception for Transfer Station in existence prior to 10/15/07 in the IL-40 Zone - 307 White St. (#K13016) -SE #721.</u>

Both Mr. Keller and Ms. Hoffstaetter said they are not eligible to vote on this. Chairman Finaldi said that leaves Mr. Cerminara, Mr. Urice and himself which is just enough. Mrs. Emminger said she had sent the resolution out to them last week and did not yet have the

date for the Engineering letter. She said that date is March 19 and will be added to the condition in the resolution. Mr. Urice then made a motion to approve this per the revised resolution. Mr. Cerminara seconded the motion and it was passed unanimously.

36 Kenosia Avenue Realty LLC - Application for Special Exception (to allow Wholesale Distribution in an Existing Tenant Space) in the IL-40 Zone - 36 Kenosia Ave. (#E17094) - SE #723

Mrs. Emminger said she had prepared a draft resolution in case the Commission wanted to vote on this tonight. She added that there are no public hearings scheduled for the April 4th meeting, so if they clear up everything tonight, they can cancel that meeting. The Commission took a few minutes to look over the resolution and all agreed that this was a simple change of use and they were willing to vote on it tonight. Mr. Urice made a motion to approve this per the draft resolution. Mr. Keller seconded the motion and it was passed unanimously.

Ridgewood Country Club Inc. -- Application for Special Exception for Existing Country Club w/Golf Course in the RA-40 Zone - 119-135 Franklin Street Ext. (#G13029) -- SE #722.

Both Mr. Keller and Ms. Hoffstaetter said they are not eligible to vote on this. Mrs. Emminger said she had also prepared a draft resolution for this application. She said she included everything they discussed at the previous meeting except for the Engineering Dept. letter. She added that there was no opposition to this either. Mr. Urice asked if anything came up this evening that would necessitate the language in the resolution to be changed. Mrs. Emminger said there was nothing new this evening. She said they still need to get approval of the Floodplain permit but she is waiting for a sign-off from the Engineering Dept. on that. She added that she put conditions in the resolution stating that (1) the Floodplain permit must be issued and, (2) all conditions in the Engineering Dept. letter dated March 18th must be addressed, before any permits can be issued. She also included that they must comply with all conditions in the resolution and the Floodplain permit before the Compliance Certificate will be issued. Mr. Cerminara made a motion to approve this per the resolution. Mr. Urice seconded the motion and it was passed unanimously.

REFERRALS:

<u>8-24 Referral/March 2012 City Council Agenda Item #6: Sidewalk and Fire Hydrant Easement – Lakeside Townhouses, East Hayestown Rd.</u>

This is a request to accept conveyances of a fire hydrant and sidewalk easement area along Hayestown Rd. running along the property known as Lakeside Townhouses. This Commission previously approved the special exception/site plan for development of this site and the approved plans included both proposed easement areas. Mrs. Emminger explained that the remainder of this project was purchased by Tony Lucera and he is trying to clear up the loose ends and get things moving again. Mr. Urice made a motion to give

this a positive recommendation noting that any comments relating to the location of the wall and acceptance of it within easement area should be referred to the Engineering Dept. This recommendation is also subject to approval of all plans and documents acceptable in form and content to the Engineering Dept. and Corporation Counsel prior to recording. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

<u>8-24 Referral/March 2012 City Council Agenda Item #7: Sidewalk Easement, 27-79 Tamarack Ave.</u>

This request is to accept a Sidewalk Easement along a portion of the above-referenced property. The Commission approved redevelopment of the site known as Consumer's Petroleum, SE #662, in April 2008. The approval resolution required acceptance of the sidewalk easement. Mr. Urice made a motion to give a positive recommendation subject to approval of the as-built plans and all documents by the Engineering Dept. and Corporation Counsel prior to recording. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

<u>8-24 Referral/March 2012 City Council Agenda Item #8: Sewer Extension - 3 Scuppo Rd.</u> (#F14124).

This request is to extend public sewer to serve a site located at 3 Scuppo Rd. The site was re-zoned to RMF-4, and is within the Proposed Sewer Service area as shown in the POCD. A formal site plan has not yet been submitted to the Dept. for review. Based upon this fact, the number of units proposed to be served represents a maximum density of the site, not the actual number being proposed. The Planning Dept.'s standard policy regarding these requests is that the recommendation be made in accordance with an approved site plan, so this request is premature. Mr. Keller made a motion to take no action on this request until the site plan is approved. Mr. Urice seconded the motion and it was passed unanimously.

<u>8-24 Referral/March 2012 City Council Agenda Item #9: Request for Sewer and Water Extensions - Candlewood Trailer Park. 19 Forty Acre Mountain Rd. (#K05119).</u>

This is a request for sewer and water extensions to serve Candlewood Park, which is a 202-unit mobile home community located off of Forty Acre Mountain Rd. The overall site is in single ownership with the residents renting the space they park their mobile home on. Although it is outside the Proposed Sewer and Water Service Areas shown in the Plan of Conservation & Development (POCD), two previous extension requests were approved (in 2006 & 2009) to resolve continued septic system problems in the Park and to head-off possible issuance of DEP corrective orders. Both of those designs were over McKay Rd. but both have since expired. This request is based on a new design which connects to the public utilities in Sterling Woods Condominiums. The Engineering Dept. has stated that if this plan was to go forward, the proposed connections would be private and would only be allowed to serve the 202 units located within the mobile home park. Engineering also has stated that the new utility lines will be private and they will have to approve the plans. The POCD does make provisions for exceptions like this one, where the extension becomes

necessary due to health or environmental problems. Ms. Hoffstaetter made a motion to give this a positive recommendation subject to compliance with all Engineering Dept. conditions relative to construction of said connections as well as the condition that utilities only serve 202 units. Mr. Keller seconded the motion and it was passed unanimously.

CORRESPONDENCE:

<u>Letters from Attorney Raymond Lubus requesting release of bond for Spruce Mountain Trail (SUB #05-04) and from Asst. Corporation Counsel Robin Edwards notifying Commission of City acceptance of roadway.</u>

Mrs. Emminger explained that since they have the letter from Corporation Counsel's Office that means the City Council has accepted the road, so there is not reason to hold the bond any longer. Mr. Urice made a motion to release the bond. Mr. Cerminara seconded the motion and it was passed unanimously.

Chairman Finaldi said that under For Reference Only, there were four applications for Floodplain Permits listed. There was nothing under Other Matters. He said since they took care of everything on the agenda, the April 4^{th} meeting will be cancelled.

At 8:25 PM., Mr. Keller made a motion to adjourn. Ms. Hoffstaetter seconded the motion and it was passed unanimously,